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AUG 18 2006

Patent
Attorney Docket No. 64118.000192
Customer No. 21967THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

TEITELBAUM *et al.*

Serial No.: 10/534,055

Filed: May 6, 2005

Title: TRANSPEDICULAR INTERVERTEBRAL
DISK ACCESS METHODS AND DEVICES

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No. 2702

MAIL STOP PETITIONCommissioner for Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450PETITION TO REVIVE UNINTENTIONAL ABANDONMENT

Under the authority of 37 C.F.R. §1.137(b), Applicants respectfully petition the U.S. Patent and Trademark Office (PTO) to revive improper abandonment of the above-captioned application due to PTO's error.

Applicants timely responded to the Decision on Petition Under 37 C.F.R. §1.47(a) received by Hunton and Williams LLC, on May 10, 2006 (no mailing date was on correspondence) by filing a Renewed Petition Under 37 C.F.R. §1.47(a) on June 6, 2006, via electronic filing. Copies of the complete filing, including the Acknowledgement of Receipt, are enclosed for your convenience.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37



UNITED STATES PATENT AND TRADEMARK OFFICE

PAO; TMM; RAK

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

21967
HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109

In re Application of
TEITELBAUM et al
U.S. Application No.: 10/534,055
PCT No.: PCT/US03/09285
Int. Filing Date: 25 March 2003
Priority Date: None
Docket No.: 64118.000192
For: TRANSPEDICULAR
INTERVERTEBRAL DISK ACCESS
METHODS AND DEVICES

64118.192
P-000192

MAY 10 2006

Hunton & Williams LLP

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S-12-06

DOCKETED

DECISION ON
PETITION
UNDER 37 CFR 1.47(a)

This is a decision on applicants' "Petition Under 37 C.F.R. §1.47(a)" filed 23 November 2005.

BACKGROUND

On 25 July 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions available.

On 23 November 2005, applicants submitted a response which was accompanied by, *inter alia*, the subject petition and petition fee of \$130.00; the surcharge fee of \$130.00; a two-month extension fee of \$450.00; a declaration executed by six of the seven named inventors; a declaration of Yison Song; and attachments A - C.

DISCUSSION

Petitioners allege that "nonsigning inventor Frank Nguyen is unavailable" and filed a petition under 37 CFR 1,47(a) as a response to the Form PCT/DO/EO/905.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; (4) and an oath or declaration executed by

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Page 2

the signing joint inventor on his behalf and on behalf of the nonsigning joint inventor.

Concerning item (1), the fee for a petition under 37 CFR 1.47 changed to \$200.00 on 08 December 2004. Petitioners submitted a \$130.00 petition fee. The \$70.00 difference will be charged to Deposit Account No. 50-0206 as authorized satisfying item (1).

Regarding item (2), the 37 CFR 1.47(a) applicants submitted evidence filed previously in an earlier U.S. application (10/999,216) showing that a diligent effort was made to locate Mr. Nguyen. A review of this evidence shows that a letter dated 04 April 2005 was sent to the last known address of Mr. Nguyen in Superior, Colorado. This "package was undeliverable and marked Return to Sender." See Atch. A.

However, petitioners also submitted a copy of a letter dated 25 October 2005 in the subject application which was signed as received by Frank Nguyen at the Colorado address on 01 November 2005. See Atch. C.

Consequently, petitioners' assertion that Mr. Nguyen cannot be located is in question. Petitioners must determine if the nonsigning inventor still lives in Superior, Colorado. Petitioners may then claim that Mr. Nguyen is refusing to cooperate, but a complete copy of the subject application must be sent to the nonsigning inventor to make this assertion. See § 409.03(d) MPEP.

For these reasons, item (2) of 37 CFR 1.47(a) is not satisfied.

With regard to item (3), the 37 CFR 1.47(a) applicants indicated two possible addresses for the nonsigning inventor. This item should be updated if it is determined that the nonsigning inventor still resides in Colorado.

Concerning item (4), petitioners included a declaration signed by six of the seven joint inventors listed on the international publication. The nonsigning co-inventor's name, residence, post office address and citizenship are typed on the declaration. Nevertheless, the declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

It appears that petitioner submitted one complete declaration for the first inventor and copies of the signing pages for the five other named inventors. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. By providing only a partial declaration for five of the named inventors, it is not clear what inventive entity was listed on the declaration signed by each co-inventor. Applicants

10/534,055

Page 3

must submit the complete declaration signed by each co-inventor. For this reason, item (4) of 37 CFR 1.47(a) is not satisfied.

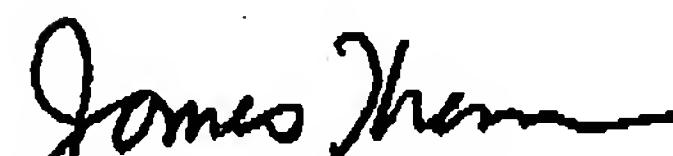
Thus, all of the requirements of 37 CFR 1.47(a) are not yet complete.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Record of Telephone Conversation

From: Selina Moore
To: 64118.000192
Date: June 7, 2006
Re: Receipt of Renewed Petition filed via facsimile on June 6, 2006

At approximately 9:15 a.m., I telephoned Mr. James Thompson, Attorney Advisor at the Office of PCT Legal Administration, as an assistant to Bob King, counsel for the Petitioners in this matter, to verify that the petition was transmitted to the proper fax number. Mr. Thompson verified that it was, and also noted that the Office of PCT Legal Administration does not have the capability to send return facsimile acknowledgements. He said the document should be with a clerk in his office, and that he expects to receive it sometime today.

I thanked Mr. Thompson for his assistance and asked that he contact us if anything else would be needed with regard to the granting of this petition.

64118.000192 ATLANTA 630227v1

PAGE 6/46 * RCVD AT 8/18/2006 12:39:33 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/5 * DNIS:2738300 * CSID: * DURATION (mm:ss):16-26

**HUNTON &
WILLIAMS**

600 Peachtree Street, N.E.
Atlanta, GA 30303
TEL 404-588-4000
FAX 404-582-0050

| | | |
|---------|---|---|
| TO | NAME FROM | U.S. Patent and Trademark Office MAIL STOP PCT Office of PCT Legal Administration 571-273-0459 |
| | FAX No.: PHONE NO.: | |
| | PAGES (INCLUDING COVER): | 57 |
| | ORIGINAL TO FOLLOW IN MAIL: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| FROM | NAME: | Robert A. King, Esq. |
| | DIRECT DIAL: | 404-588-4136 |
| MESSAGE | In re Application #: TEITELBAUM et al. Application No.: 10/534,058 Filed: May 8, 2003 Title: TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES | Examiner: Unassigned Art Unit: Unassigned Docket No.: 64118.0000182 |

The following documents are transmitted via facsimile in connection with the above-referenced patent application.

1. Renewed Petition Under 37 C.F.R. 1.47(a) (4 ogs.)
2. Declaration of Robert A. King, Esq., Including Attachments 1-2 (12 ogs.)
3. Copies of executed Declarations (20 ogs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404-584-4027.

OPERATOR

DATE: June 8, 2006
CLIENT/MATTER NO.: 64118.0000182

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

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: #1641180000192915712730459

Date :

: JUN-06 16:28

Job :

: 264

Name : HUNTON & WILLIAMS
Fax Number: 404884190
Time : JUN-06-06 16:37

CONFIRMATION REPORT - MEMORY SEND

AUG 18 2006

**HUNTON &
WILLIAMS****FAX**600 PEACHTREE STREET, N.E.
SUITE 4100
ATLANTA, GA 30308TEL 404 • 888 • 4000
FAX 404 • 602 • 9050

| | | |
|---------|--|--|
| TO | NAME | U.S. Patent and Trademark Office |
| | FIRM | MAIL STOP PCT |
| | FAX NO.: | Office of PCT Legal Administration |
| | PHONE NO.: | 571-273-0459 |
| | PAGES (INCLUDING COVER): | 37 |
| | ORIGINAL TO FOLLOW IN MAIL: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| FROM | NAME: | Robert A. King, Esq. |
| | DIRECT DIAL: | 404-888-4136 |
| MESSAGE | In re Application Of: TEITELBAUM et al. Application No.: 10/534,055 Filed: May 6, 2005 Title: TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES | Examiner: Unassigned Art Unit: Unassigned Docket No.: 64118.000192 |

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1. Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.)
2. Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.)
3. Copies of executed Declarations (20 pgs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

OPERATOR

DATE: June 6, 2006
CLIENT/MATTER NO.: 64118.000192

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

AUG 18 2006

Patent
Attorney Docket No. 64118.000192
Customer No. 21967

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

TEITELBAUM *et al.*

Serial No.: 10/534,055

Filed: May 6, 2005

Title: TRANSPEDICULAR INTERVERTEBRAL
DISK ACCESS METHODS AND DEVICES

) Group Art Unit: Unassigned

) Examiner: Unassigned

) Confirmation No. 2702

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

Attorney Docket No. 64118.000192
Application Serial No. 10/534,055
Customer No. 21967

Medtronic Sofamor Danek's intellectual property is assigned. Mr. Nguyen was employed by Vertelink Corporation, which was acquired by Medtronic Sofamor Danek.

In support of this petition, Applicants have enclosed:

- (1) Declarations bearing the executed signatures of George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson; and
- (2) A Declaration by registered patent attorney, Robert A. King, presenting facts relating to unsuccessful attempts to locate Mr. Nguyen and obtain his signature on a Declaration.

(A) Declarations by the Joint Inventors

Inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations on their own behalf. MPEP 409.03(a)(A)(1). Because these inventors duly executed Declarations in support of this application, the Declaration is filed in the names of those inventors on behalf of the remaining nonsigning inventor and on behalf of the entity to whom all inventors owe a duty of assignment, Medtronic Sofamor Danek. See MPEP 409.03(a)(2) and 37 C.F.R. 1.47(a).

(B) Proof of Unavailability to Locate and Sign

Applicants have enclosed the Declaration of Robert A. King, Esq. containing relevant facts from which Applicants reasonably conclude that: (1) Applicants have made *bona fide* attempts to locate and obtain the signature of the nonsigning inventor and (2) Applicants are

Attorney Docket No. 64118.000192
Application Serial No. 10/534,055
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unable to locate Frank Nguyen to sign a Declaration verifying his status as co-inventor of the subject application.

Applicants previously included as Attachment A to their Petition Under 37 C.F.R. § 1.47(a) filed on November 23, 2005, a copy of the declaration of Sabrina Chambers detailing relevant facts in connection with the same unavailable inventor in a related pending application, U.S. Patent Application Serial No. 10/999,216.

(C) Last Known Addresses of Non-Signing Inventor

Applicants were last aware of the following address for Frank Nguyen: 1995 E. Coalton Road, #77-203, Superior, CO 80027.

(D) Facts Surrounding Unavailability to Sign

As detailed in the accompanying materials, Applicants and the entity to whom a duty of assignment is owed have made repeated, ongoing and diligent attempts to obtain the papers for completion of this application.

Frank Nguyen is no longer employed by Medtronic Sofamor Danek. Despite repeated attempts, the nonsigning inventor has not responded with a signed Declaration, as detailed in the accompanying Declaration of Robert A. King. This was through no fault of the signing inventors or the entity to which a duty of assignment is owed.

Notwithstanding the unavailability of the nonsigning inventor to sign a Declaration despite diligent attempts to obtain the same, Applicants respectfully request the Commissioner to

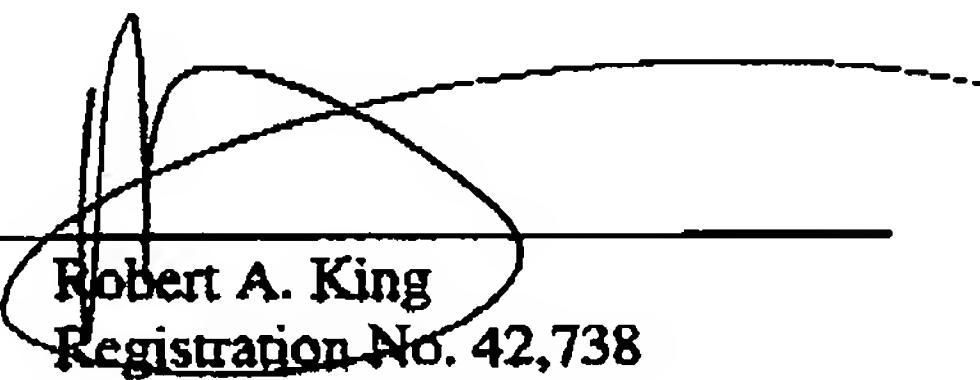
Attorney Docket No. 64118.000192
Application Serial No. 10/534,055
Customer No. 21967

grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

By:


Robert A. King
Registration No. 42,738

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Telephone (202) 955-1950
Facsimile (202) 778-2201

Dated: June 6, 2006

AUG 18 2006 Attorney Docket No. 64118.000192
Customer No. 21967

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

TEITELBAUM et al.

Serial No.: 10/534,055

Filed: May 6, 2005

Title: TRANSPEDICULAR INTERVERTEBRAL
DISK ACCESS METHODS AND DEVICES

Group Art Unit: Unassigned

Examiner: Unassigned

Confirmation No. 2702

DECLARATION OF ROBERT A. KING, ESQ.

I, Robert A. King, state as follows:

1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.

2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.

3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

Attorney Docket No. 64118.000192
Customer No. 21967

November 23, 2005. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.

5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.

6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

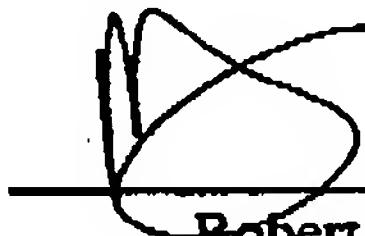
Attorney Docket No. 64118.000192
Customer No. 21967

copy of the subject application to which the declaration pertains was included with the letter and Declaration.

7. The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen. The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." A copy of the front of the package is attached as Attachment 2.

8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:



Robert A. King

Date: 6/6/2006

Attorney Docket No. 64118.000192
Customer No. 21967

ATTACHMENT 1

RECEIVED
CENTRAL FAX CENTER

AUG 18 2006

**HUNTON &
WILLIAMS**

May 18, 2006

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Frank Nguyen
1995 E. Coalton Road, #77
Superior, CO 80027

Re: U.S. Patent Application No. 10/534,055
National Phase of PCT/US03/09285
Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Very truly yours,

Robert A. King

RAK/sm

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which:

is attached hereto.
 was filed on: May 6, 2005
as United States Application No.: 10/534,055
or PCT International Application No.: _____
and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

| Application Number | Country | Date of Filing (day, month, year) | Date of Issue (day, month, year) | Priority Claimed | |
|--------------------|---------|--------------------------------------|-------------------------------------|---|-----------------------------|
| PCT/US03/09285 | PCT | 25, March, 2003 | | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| | | | | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | | | | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Date of Filing (day, month, year) |
|--------------------|--------------------------------------|
| 60/424,942 | 8, November, 2002 |
| | |
| | |

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Number | Date of Filing (day, month, year) | Status - Patented, Pending, Abandoned |
|--------------------|--------------------------------------|--|
| | | |
| | | |
| | | |

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER
21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER
21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**NAME OF SOLE OR FIRST
INVENTOR:**

A petition has been filed for this unsigned inventor

Signature _____ Date _____
 Given Name _____ Family Name _____
 (first and middle (if any)) George P. TITELBAUM
 Citizenship: US
 Residence: Santa Monica, CA
 Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

Signature _____ Date _____
 Given Name _____ Family Name _____
 (first and middle (if any)) Samuel M. SHAOIAN
 Citizenship: US
 Residence: Newport Beach, CA
 Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:

A petition has been filed for this unsigned inventor

Signature _____ Date _____
 Given Name _____ Family Name _____
 (first and middle (if any)) Thanh Van NGUYEN
 Citizenship: US
 Residence: Irvine, CA
 Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:

A petition has been filed for this unsigned inventor

✓ Signature _____ Date _____
 Given Name _____ Family Name _____
 (first and middle (if any)) Frank NGUYEN
 Citizenship: US
 Residence: Superior, CO
 Mailing Address: 1985 E. Coalton Road, #77-203, Superior, CO 80027

HUNTON & WILLIAMS LLP
 Intellectual Property Department
 1900 K Street, N.W.
 Suite 1200
 Washington, DC 20006-1100

✓ Page 3

NAME OF FIFTH INVENTOR: A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) To V. Family Name or Surname PHAM
Citizenship: US
Residence: Trabuco Canyon, CA
Mailing Address: 28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR: A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Vincent Family Name or Surname DIVINO, Jr.
Citizenship: US
Residence: Mission Viejo, CA
Mailing Address: 24436 Musla, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR: A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Michael R. Family Name or Surname HENSON
Citizenship: US
Residence: Coto de Casa, CA
Mailing Address: 2 Via Presea, Coto de Casa, CA 92679

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington DC 20006-1109

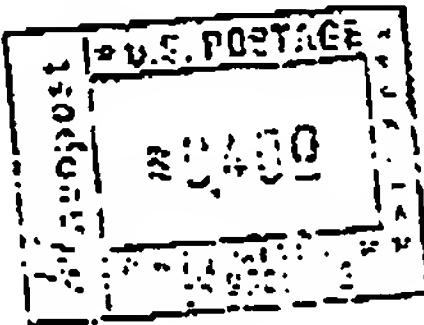
Aug-18-2006 12:53pm From-

T-450 P.022/046 F-924

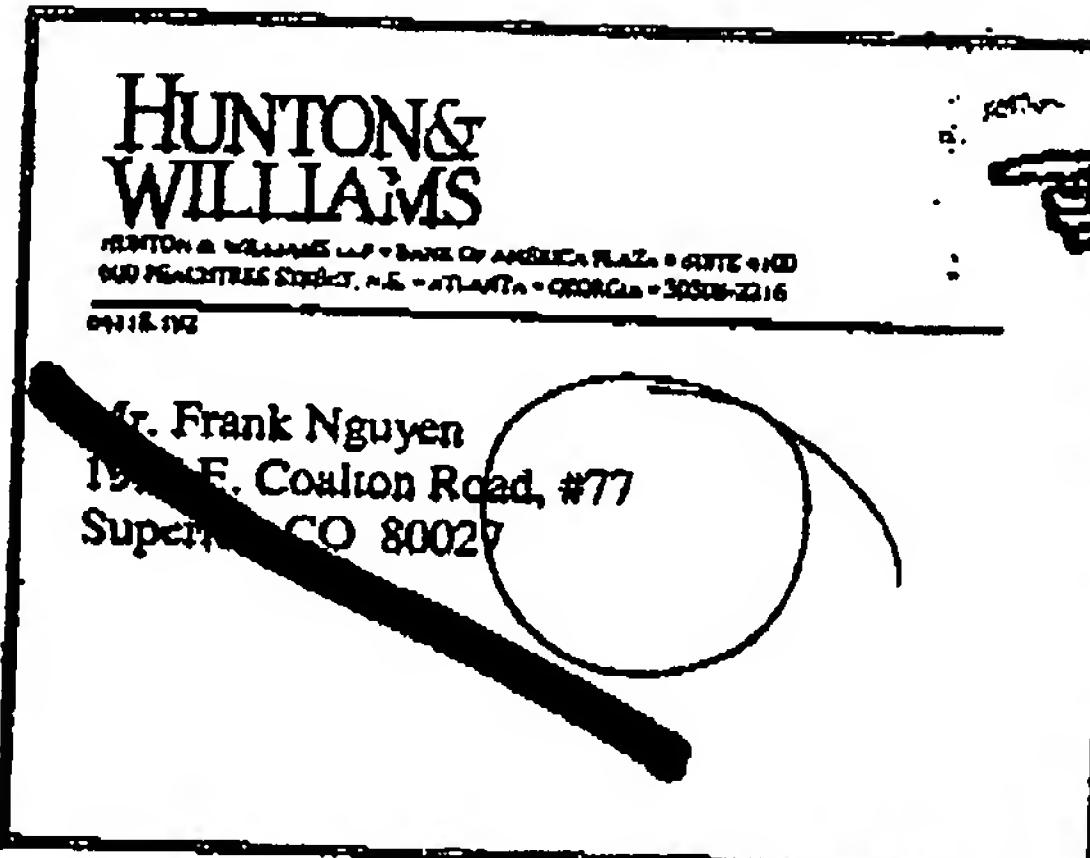
Attorney Docket No. 64118.000192
Customer No. 21967

ATTACHMENT 2

ATLANTA
65-78-06
R.S.



YORK 1210 2006 2100 2006



NOT MAILABLE
DO NOT MAIL
UNABLE TO FORWARD

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mr. Frank Nguyen
1995E Coalton Road #77
Superior, CO 80027**

2. Article Number (Copy from service label)

7005 116 0001 1620 3595

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X Agent Addressee

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

102595-00-M-0952

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name:

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed in the patent sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: is attached hereto.

was filed on: May 6, 2006

as United States Application No.: 10/534,055

or PCT International Application No.: _____

and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

| Application Number | Country | Date of Filing (day, month, year) | Date of Issue (day, month, year) | Priority Claimed |
|--------------------|---------|--------------------------------------|-------------------------------------|---|
| PCT/US03/09285 | PCT | 25, March, 2003 | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| | | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |

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| Application Number | Date of Filing (day, month, year) | Status - Patented, Pending, Abandoned |
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**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like acts are punishable by fine and imprisonment or both under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR: A petition has been filed for this unsigned inventor

Signature G. Teitelbaum Date 10/17/05
 Given Name George P.
 (first and middle (if any))
 Citizenship: US
 Residence: Santa Monica, CA
 Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

Family Name or Surname TEITELBAUM

NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor

Signature _____ Date _____
 Given Name Samuel M.
 (first and middle (if any))
 Citizenship: US
 Residence: Newport Beach, CA
 Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

Family Name or Surname SHAOLIAN

NAME OF THIRD INVENTOR: A petition has been filed for this unsigned inventor

Signature _____ Date _____
 Given Name Thanh Van
 (first and middle (if any))
 Citizenship: US
 Residence: Irvine, CA
 Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

Family Name or Surname NGUYEN

HUNTON & WILLIAMS LLP
 Intellectual Property Department
 1900 K Street, N.W.
 Suite 1200

NAME OF FIFTH INVENTOR:

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) To V.Family Name
or Surname

PHAM

Citizenship: US

Residence: Trabuco Canyon, CA

Mailing Address: 28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) VincenFamily Name
or Surname

DIVINO, JR.

Citizenship: US

Residence: Mission Viejo, CA

Mailing Address: 24436 Muela, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR:

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Date _____

Given Name
(first and middle (if any)) Michael R.Family Name
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HENSON

Citizenship: US

Residence: Coto de Casa, CA

Mailing Address: 2 Via Preses, Coto de Casa, CA 92679

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Intellectual Property Department
1900 K Street, N.W.
Suite 1300
Washington, DC 20006-1100
(202) 638-1800 (Telephone); (202) 778-2201 (Facsimile)

Page 4

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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The specification of which: is attached hereto.

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as United States Application No.: 10/534,055

or PCT International Application No.: _____

and was amended on: _____ (if applicable).

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|--------------------|---------|--------------------------------------|-------------------------------------|---|-----------------------------|
| PCT/US03/09285 | PCT | 25, March, 2003 | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| Application Number | Country | Date of Filing (day, month, year) | Date of Issue (day, month, year) | Priority Claimed |
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**CUSTOMER NUMBER
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All correspondence and telephone communications should be addressed to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A petition has been filed for this unsigned inventor

NAME OF SOLE OR FIRST
INVENTOR:

Date _____

Signature _____

Family Name
or Surname

TEITELBAUM

Given Name
(first and middle (if any)) George F.

Citizenship: US

Residence: Santa Monica, CA

Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

A petition has been filed for this unsigned inventor

NAME OF SECOND INVENTOR:

Date _____

Signature _____

Family Name
or Surname

SHAOlian

Given Name
(first and middle (if any)) Samuel M.

Citizenship: US

Residence: Newport Beach, CA

Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

A petition has been filed for this unsigned inventor

NAME OF THIRD INVENTOR:

Date _____

Signature _____

Family Name
or Surname

NGUYEN

Given Name
(first and middle (if any)) Thanh Van

Citizenship: US

Residence: Irvine, CA

Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

A petition has been filed for this unsigned inventor

NAME OF FOURTH INVENTOR:

Date _____

Signature _____

Family Name
or Surname

NGUYEN

Given Name
(first and middle (if any)) Frank

Citizenship: US

Residence: Superior, CO

Mailing Address: 1895 E. Coalton Road, #77-203, Superior, CO 80027

HUNTON & WILLIAMS LLP
Intellectual Property Department
1800 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 566-1500 (telephone); (202) 776-2391 (facsimile)

Page 3

NAME OF FIFTH INVENTOR: A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) To V.

Family Name
or Surname

PHAM

Citizenship: US

Residence: Trabuco Canyon, CA

Mailing Address: 28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR: A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) Vincen

Family Name
or Surname

DIVINO, JR.

Citizenship: US

Residence: Mission Viejo, CA

Mailing Address: 24438 Muela, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR: A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) Michael R.

Family Name
or Surname

HENSON

Citizenship: US

Residence: Coto de Casa, CA

Mailing Address: 2 Via Presa, Coto de Casa, CA 92679

HUNTON & WILLIAMS LLP
Intellectual Property Department
1300 K Street N.W.
Suite 1200
Washington, DC 20004-1100
(202) 638-1500 (telephone); (202) 776-2201 (facsimile)

Page 4

Attorney Docket No.: 64118.000192

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TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICESthe specification of which: is attached hereto. was filed on: May 6, 2005

as United States Application No.: 10/534,055

or PCT International Application No.: _____

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| Application Number | Country | Date of Filing (day, month, year) | Date of Issue (day, month, year) | Priority Claimed |
|--------------------|---------|--------------------------------------|-------------------------------------|---|
| PCT/US03/09285 | PCT | 25, March, 2003 | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| | | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| Application Number | Country | Date of Filing (day, month, year) | Date of Issue (day, month, year) | Priority Claimed |
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| | | | | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Date of Filing (day, month, year) |
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| 60/424,942 | 8. November, 2002 |
| | |

Prior United States Application(s)

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NAME OF SOLE OR FIRST INVENTOR:

A petition has been filed for this unsigned inventor

Date _____

Signature _____ Given Name _____ Family Name _____
 Given Name (first and middle (if any)) George F. or Surname TEITELBAUM.
 Citizenship: US
 Residence: Santa Monica, CA
 Mailing Address: 525 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

Date _____

Signature _____ Given Name _____ Family Name _____
 Given Name (first and middle (if any)) Samuel M. or Surname SHAOLIAN.
 Citizenship: US
 Residence: Newport Beach, CA
 Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:

A petition has been filed for this unsigned inventor

Date _____

Signature _____ Given Name _____ Family Name _____
 Given Name (first and middle (if any)) Thanh Van or Surname NGUYEN.
 Citizenship: US
 Residence: Irvine, CA
 Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:

A petition has been filed for this unsigned inventor

Date _____

Signature _____ Given Name _____ Family Name _____
 Given Name (first and middle (if any)) Frank or Surname NGUYEN.
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HUNTON & WILLIAMS LLP
 PROFESSIONAL PROPERTY DEPARTMENT
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 SUITE 1200
 WASHINGTON, DC 20006-1108
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Page 3

NAME OF FIFTH INVENTOR:

A petition has been filed for this unsigned inventor

Signature Dzung PhamDate 10-18-05Given Name
(first and middle (if any)) **To V.**Family Name
or Surname**PHAM**Citizenship: **US**Residence: **Trabuco Canyon, CA**Mailing Address: **28422 Pueblo Drive, Trabuco Canyon, CA 92679****NAME OF SIXTH INVENTOR:**

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Vincent**Family Name
or Surname**DIVINO, JR.**Citizenship: **US**Residence: **Mission Viejo, CA**Mailing Address: **24436 Muela, Mission Viejo, CA 92682****NAME OF SEVENTH INVENTOR:**

A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Michael R.**Family Name
or Surname**HENSON**Citizenship: **US**Residence: **Coto de Casa, CA**Mailing Address: **2 Via Presa, Coto de Casa, CA 92679**

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1906
(202) 433-1000 (Telephone); (202) 775-2201 (Facsimile)

Page 4

Attorney Docket No.: 64118.000192

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Date _____

Signature _____

Given Name (first and middle (if any)) George F.

Family Name
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Date _____

Signature _____

Given Name (first and middle (if any)) Thanh Van

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Date _____

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 Given Name or Surname
 (first and middle (if any)) To V. PHAM

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 Mailing Address: 28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:

 A petition has been filed for this unsigned inventorDate 8/18/06

Signature _____ Given Name Family Name
 Given Name or Surname
 (first and middle (if any)) Vincent DIVINO, Jr.
 Citizenship: US
 Residence: Mission Viejo, CA
 Mailing Address: 24458 Muela, Mission Viejo, CA 92682

NAME OF SEVENTH INVENTOR:

 A petition has been filed for this unsigned inventor

Date _____

Signature _____ Given Name Family Name
 Given Name or Surname
 (first and middle (if any)) Michael R. HENSON
 Citizenship: US
 Residence: Coto de Casa, CA
 Mailing Address: 2 Via Presa, Coto de Casa, CA 92879



01 AUG 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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64118-192

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In re Application of
 TEITELBAUM et al
 U.S. Application No.: 10/534,055
 PCT No.: PCT/US03/09285
 Int. Filing Date: 25 March 2003
 Priority Date: None
 Docket No.: 64118.000192
 For: TRANSPEDICULAR
 INTERVERTEBRAL DISK ACCESS
 METHODS AND DEVICES

**DECISION ON
 RENEWED PETITION
 UNDER 37 CFR 1.47(a)**

This is a decision on applicants' "Renewed Petition under 37 CFR §1.47(a)" filed 06 June 2006.

BACKGROUND

On 09 May 2006, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. There was conflicting information regarding whether the nonsigning inventor could be located. Moreover, the declaration provided was not in compliance with 37 CFR 1.497. Applicants were given two months to respond.

On 06 June 2006, applicants submitted via facsimile a renewed petition which was accompanied by, *inter alia*, a declaration of Robert A. King ("Decl."); a copy of a letter dated 18 May 2006 with copies of the postal receipts; and a declaration signed by six of the seven named inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; (4) and an oath or declaration executed by the signing joint inventor on his behalf and on behalf of the nonsigning joint inventor. Petitioners satisfied item (1) with the initial petition and items (3) and (4) with the renewed petition.

Petitioners declare that the last known address of Mr. Frank Nguyen is:

10/534,055

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1995 E. Coalton Road
Superior, CO 80027

Regarding item (4), the 37 CFR 1.47(a) applicant submitted complete declarations signed by six of the seven joint inventors on behalf of the nonsigning inventor. All of the inventor's names, residences, post office addresses and citizenship are typed on the declaration. This declaration satisfies the requirements of 37 CFR 1.497(a) and (b) and section 409.03(a) of the MPEP.

However, petitioners have not yet satisfied item (2) of 37 CFR 1.47(a).

Petitioners submitted evidence filed in an earlier U.S. application (No. 10/999,216) showing that a diligent effort was made to locate Mr. Nguyen. This search was conducted by Sabrina Chambers prior to 15 August 2005.¹

In the renewed petition, the 37 CFR 1.47(a) applicants submitted a declaration of Robert A. King who states that the certified mail postcard signed as received by Mr. Nguyen on 01 November 2005 clearly established that Superior, Colorado, was his last known mailing address. Decl. at ¶ 4. Petitioners mailed a certified letter on 18 May 2006 to this address along with a copy of the application and a declaration requesting that Mr. Nguyen respond. The letter was returned as undeliverable. Petitioners submitted no other evidence on this matter.

First, the showing that a diligent effort was made to locate Mr. Nguyen submitted in U.S. application No. 10/999,216 on 16 August 2005 is no longer relevant as there is credible evidence to suggest that Mr. Nguyen was living in Louisville, Colorado on 01 November 2005. Since the letter sent to the last known address of Mr. Nguyen on 18 May 2006 was returned as undeliverable, it is not clear whether Mr. Nguyen is aware of the subject application. Petitioners must attempt to determine where Mr. Nguyen now resides.

If petitioners conclude that Mr. Nguyen still lives at the Louisville, Colorado address but refuses to accept delivery of mail, this conduct would constitute a refusal to cooperate. If petitioners are unable to determine where Mr. Nguyen lives, a statement of facts should be submitted that fully describes the steps taken to locate the whereabouts of the nonsigning inventor. Copies of documentary evidence such as internet and telephone searches that support a finding that the nonsigning inventor could not be found or reached should be made part of the

¹ The declaration of Ms. Chambers filed with the petition in U.S. Application 10/999,216 was dated 15 August 2005.

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statement of facts. See MPEP § 409.03(d).

For the reasons noted above, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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|-----------------------------|-----------------------|-----------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO |
| 10/534,055 | George P Teitelbaum | 64118.000192 |

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|------------------------------|--|
| INTERNATIONAL APPLICATION NO | |
| PCT/US03/09285 | |

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 03/25/2003 | |

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371
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 "OC000000018920751"

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NOTIFICATION OF ABANDONMENT

ABANDON???

Therefore, the above identified application fall
 1.495, and is ABANDONED AS TO THE UNIT

d 37 CFR

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

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Transaction History

| Date | Transaction Description |
|------------|--|
| 08-05-2006 | Abandonment -- Inc. Application under Rule 53(b) - f |
| 08-01-2006 | Petition Decision - Dismissed |
| 06-06-2006 | Petition Entered |
| 05-10-2006 | Petition Decision - Dismissed |
| 11-23-2005 | Petition Entered |
| 07-25-2005 | Notice of DO/EO Missing Requirements Mailed |
| 05-06-2005 | Initial Exam Team nn |

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Attorney Docket No. 64118.000192
Application Serial No. 10/534,055
Customer No. 21967

C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

By: _____


Robert A. King
Registration No. 42,738

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Dated: August 18, 2006

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| | FIRM | |
| | FAX NO.: | |
| | PHONE NO.: | |
| | PAGES (INCLUDING COVER): | 46 |
| | ORIGINAL TO FOLLOW IN MAIL: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| FROM | NAME: | Robert A. King, Esq. |
| | DIRECT DIAL: | 404-888-4136 |
| MESSAGE | In re Application Of: TEITELBAUM et al. | Examiner: Unassigned |
| | Application No.: 10/534,055 | Art Unit: Unassigned |
| | Filed: May 6, 2005 | Docket No.: 64118.000192 |
| | Title: TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES | |

In accordance with 37 CFR 1.8, I hereby certify that the attached

1. Petition to Revive Unintentional Abandonment (2 pages)
- Copies of:
2. Decision on Petition Under 37 C.F.R. 1.47(a) (3 pages);
3. Receipt of Petition filed via Facsimile and copies of Facsimiled (3 pages);
4. Renewed Petition Under 37 C.F.R. § 1.47(a) dated 6/9/06 and

Central fax received 1 page
(missing 45 pages)